

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	2:15-cr-00115-JDL
)	
WAYNE NISKI,)	
)	
Defendant.)	

ORDER ON MOTION FOR RECONSIDERATION

On July 7, 2020, Wayne Niski filed a motion for compassionate release pursuant to 18 U.S.C.A. § 3582(c)(1)(A)(i) (West 2020) based on the alleged risks he faces in federal custody due to the COVID-19 pandemic (ECF No. 53). On July 14, 2020, the Court issued an Order to Show Cause (ECF No. 57), directing Niski to submit a response within 21 days—i.e., by August 4, 2020. Niski subsequently filed several responses (ECF Nos. 58, 59, 60). After considering those filings, the Court denied Niski’s motion on August 19, 2020. *See* Order on Motion for Compassionate Release (ECF No. 61). On August 25, 2020, the Court received an additional filing from Niski, which is dated August 17, 2020 and is styled as a supplemental response to the Court’s show-cause order (ECF No. 62).

In the filing, Niski does not raise any new issues and only notes that there may be several new cases of COVID-19 at the facility where he is currently incarcerated, FCI Petersburg (ECF No. 62). In denying Niski’s motion for compassionate release, however, the Court acknowledged that FCI Petersburg “is experiencing an active outbreak of the virus,” but concluded that release would be inappropriate because of

the severity of Niski's crime, his criminal record, the limited proportion of the sentence he has served, his history of committing crimes while on probation, and the danger he poses to the public (ECF No. 61 at 2; ECF No. 56-3 at 10-12). Accordingly, Niski's submission does not provide any basis for the Court to reconsider its denial of his motion for compassionate release.

Because Niski filed this new submission before the Court denied Niski's motion, but after the deadline for Niski to respond to the show-cause order had passed, the Court treats Niski's filing as a Motion for Reconsideration (ECF No. 62), which is hereby **DENIED**.

SO ORDERED.

Dated: August 31, 2020

/s/ JON D. LEVY
CHIEF U.S. DISTRICT JUDGE